

THE HONORABLE JOHN C. COUGHENOUR

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

NIEM H. DOAN,

Defendant.

CASE NO. CR15-0120-JCC

ORDER

This matter comes before the Court on Defendant's motion for a reduction of his sentence (Dkt. No. 1082). Having thoroughly considered the parties' briefing and the relevant record, the Court finds oral argument unnecessary and hereby DENIES the motion for the reasons explained herein.

Defendant moves for a sentence reduction pursuant to 18 U.S.C. section 3582(c)(2), based on Amendment 788 to the Sentencing Guidelines ("Guidelines"), which made Amendment 782 to the Guidelines retroactive. Amendment 782 reduced Guidelines base offense levels for most drug offenses. (Dkt. No. 1084 at 2.) It was enacted on November 1, 2014 and became effective as a basis of sentence reduction on November 1, 2015. U.S.S.G. §§ 1B1.10(e)(1), 2D1.1. This Court sentenced Defendant on December 13, 2016 pursuant to these amended Guidelines. (Dkt. Nos. 956 at 8; 960.) No subsequent amendments have changed the applicable Guideline range. Therefore, the Court has no jurisdiction to further reduce Defendant's sentence.

1 See 18 U.S.C. § 3582(c)(2) (allowing reduction where defendant was sentenced based on a
2 sentencing range that has *subsequently* been lowered) (emphasis added); *Dillon v. United States*,
3 560 U.S. 817, 826 (2010) (section 3582(c)(2) applies only to “those whose sentence was based
4 on a sentencing range subsequently lowered by the Commission”).

5 Defendant’s motion to reduce his sentence (Dkt. No. 1082) is therefore DENIED.

6 DATED this 4th day of May 2018.

7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

A handwritten signature in black ink, reading "John C. Coughenour", written over a horizontal line.

John C. Coughenour
UNITED STATES DISTRICT JUDGE